



PATENT
ATTORNEY DOCKET NO. 77137

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Keith Dixon**) *Confirmation No. 1831*

Serial No.: **10/801,500**) *Certificate of Mailing*

Filed: **March 15, 2004**) I hereby certify that this paper is being deposited
with the United States Postal Service as first class

Title: **CONTAINER WITH SLIDING
LID**) mail in an envelope addressed to: Mail Stop
Amendment, Commissioner for Patents, P. O. Box

1450, Alexandria, VA 22313-1450, on this date.

Group Art

Unit: **1761**)

12/16/04 Date

Bruce R. Mansfield
Registration No. 29,086

Attorney for Applicant(s)

Examiner: **Not Yet Assigned**)

PETITION FOR REVIEW OF NOTIFICATION OF OMITTED ITEMS
UNDER 37 CFR 1.53 (e)

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants respectfully petition the Commissioner for review of the Notice of Apparent Omission of page 1 of the specification and request the Examiner to acknowledge that page 1 of the specification was in fact received by the US Patent and Trademark Office, and to perform an early examination and allowance of the application.

12/27/2004 LWENDIM1 00000026 051135 10801500

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INTRODUCTION

The above-captioned United States Patent Application was filed under 37 CFR 1.53 (b) and a notice of apparent omission was contained in a Notice To File Missing Parts Of Nonprovisional Application filed under 37 CFR 1.53 (b) mailed October 22, 2004 (copy enclosed).

This submission is a partial response to the Notice To File Missing Parts and is directed to that part of the Notice To File Missing Parts pertaining to the notice of apparent omission of page 1 of the specification of the application.

Applicants respectfully assert that page 1 of the specification was not omitted from the application as originally filed. Applicants contend that the noted apparently omitted item was in fact deposited in the US Patent and Trademark Office with the nonprovisional application papers. A copy of page 1 of the specification noted as apparently omitted, the \$130.00 petition fee required under 37 CFR 1.17 (h) and evidence of such deposit accompanies this petition.

STATEMENT OF FACTS

1. On March 15, 2004 page one of the specification and other application papers were submitted to the United States Patent and Trademark Office with both a certificate of mailing by "Express Mail" and with an accompanying return postcard (copy enclosed). A copy of the Utility Patent Application Transmittal bearing the Certificate of Mailing, and filed under the Certificate of Mailing by "Express Mail" and return postcard procedures is enclosed. A copy of the Express Mail Customer Copy is also enclosed.

2. The fourteen (14) pages of specification (including claims) referred to in the Utility Patent Application Transmittal filed under the Certificate of Mailing by "Express Mail" provision and also under the return postcard procedure are enclosed. Included, is the top sheet which comprises (the apparently missing) page 1 of the specification, bearing the

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title of the application and a portion of the application entitled "Background of the Invention".

3. The enclosed return postcard stamped by the USPTO clearly refers to a specification containing fourteen (14) pages (see item 3 of the postcard) and item 1 of the postcard refers to the enclosed Utility Patent Application Transmittal. The enclosed Utility Patent Application Transmittal clearly states that "fourteen (14) pages of the specification (including claims) are enclosed".

CONCLUSION

As can be seen from the above, page 1 of the specification was received by the U.S. Patent and Trademark Office along with other application papers as originally filed, as evidenced by enclosed copies of the return postcard and Utility Patent Application Transmittal and other papers filed under the Certificate of Mailing by "Express Mail" provisions.

Accordingly, in light of the above, it is respectfully requested that the application receive an early examination and notice of allowance.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

Date: 12/16/04

By Bruce R. Mansfield
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356326



Inventors: Keith Dixon Atty Docket No. 1410/77137

Title: CONTAINER WITH SLIDING LID

Filed: Herewith JES/sm

Application No.: N/A Date Mailed: March 15, 2004

Transmitted herewith:

22859 U.S. PTO
10/801500



031504

1. Utility Patent Application Transmittal (3 pages in triplicate)
2. General Authorization for Petition for Extension of Time (1 page)
3. Specification (14 pages)
4. Formal Drawings (20 Figures/11 pages)
5. Unexecuted Declaration (3 pages)
6. Return Postcard

EV134995454US

Hon. Commissioner of Patents and Trademarks

Sir:

Please acknowledge receipt of the above-identified documents by applying the Patent and Trademark Office receipt stamp hereto and mailing this card.

Respectfully,

FITCH, EVEN, TABIN & FLANNERY



UTILITY PATENT APPLICATION TRANSMITTAL

(for Noncontinuing, Nonprovisional Applications
under 37 C.F.R. §1.53(b))

Attorney Docket No. 77137

Customer No. 22242

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 C.F.R.
§1.53(b) is the nonprovisional, noncontinuing
patent application for:

Title: CONTAINER WITH SLIDING LID

First Named Inventor or Application Identifier:
DIXON, Keith

) CERTIFICATE OF MAILING BY "EXPRESS MAIL"
) "Express Mail" Mailing Label Number
) EV 134995454 US

) Date of Deposit March 15, 2004

) I hereby certify that this paper or fee is being deposited
with sufficient postage utilizing the United States
Postal Service "Express Mail Post Office to Addressee"
Service under 37 CFR §1.10 on the date indicated
above and is addressed to the Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

) Joseph E. Shipley
(Typed or printed name of person mailing)

) JKES/JCS
(Signature of person mailing)

ppj

- 14 pages of the specification (including claims) are enclosed.
- 11 sheet(s) of drawings are enclosed. Formal Informal
- An executed Oath or Declaration and Power of Attorney naming the actual inventors is enclosed.
- The names of persons believed to be the actual inventors are set forth in the enclosed unexecuted Oath or Declaration and Power of Attorney (§1.41(a) and §1.53(b)).
- An Assignment of the invention to _____, and cover sheet are enclosed.
 - A check in the amount of \$_____ to cover the fee for recording the assignment is enclosed.
 - The Recordation Form Cover Sheet includes authorization to charge our Deposit Account for recording the assignment.
- A 37 C.F.R. §3.73(b) statement is enclosed where an assignee seeks to take action.

- An Information Disclosure Statement is enclosed.
- A Form PTO/SB/08 is enclosed.
- _____ References (copies) listed as foreign patent documents or non-patent literature on Form PTO/SB/08 (37 C.F.R. § 1.98(a)(2)) are enclosed.
- A Return Receipt Postcard is enclosed (MPEP §503).
- Priority of application number _____ filed on _____ in _____ is claimed under 35 U.S.C. §119.
- A certified copy of the priority document is enclosed.
- A Computer Program Listing Appendix is enclosed.
- A Transmittal Cover Letter for Computer Program Listing Appendix is enclosed.
- Two (2) Compact Discs are enclosed.
- A Nucleotide and/or Amino Acid Sequence Submission is enclosed.
- A Computer Readable Copy is enclosed.
- A Paper Copy (Identical to Computer Copy) is enclosed.
- A Statement Verifying Identity of above Copies is enclosed.
- The filing fee is calculated below:

Fee Calculation For Claims As Filed

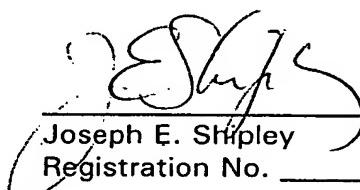
Basic Fee	\$ 0.00
Independent Claims _____ - <u>3</u> = <u>0</u> x \$ <u>86.00</u> =	<u>\$ 0.00</u>
Total Claims _____ - <u>20</u> = <u>0</u> x \$ <u>18.00</u> =	<u>\$ 0.00</u>
Fee for Multiply Dependent Claims	<u>\$ 290.00</u>
	<u><u>Total Filing Fee</u></u>
	<u>\$ 0.00</u>

- Applicant(s) assert entitlement to Small Entity Status (37 C.F.R. § 1.27), reducing the Filing Fee by half to: \$ 0.00
- A check in the amount of \$_____ to cover the filing fee is enclosed.
- Charge \$_____ to Deposit Account No. 06-1135.
- The payment of the Filing Fee is to be deferred until the Declaration is filed. Do not charge our Deposit Account.

- A separate written request under 37 C.F.R. §1.136(a)(3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.
- The Director is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Director is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This sheet is filed in triplicate.
- Address all future communications to CUSTOMER NUMBER 22242.

March 15, 2004

Date


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Registration No. 31,137

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